APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,273	11/25/2003	Michael Jay	EBCI 8729US	6361

			EXAMINER
1688	7590	01/13/2005	WALSH, DANIEL I

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ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/722,273	JAY ET AL.
	Examiner	Art Unit	
	Daniel I Walsh	2876	

-- The MAILING DATE of this c mmunication appears on the cover sheet with the c rrespondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 October 2004</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5,14-18 and 23-26</u> is/are rejected.

7)☒ Claim(s) <u>6-13,19-22 and 27</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   Receipt is acknowledged of the Amendment received on 12 October 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fisher et al. (US 2004/0095382) in view of Shmueli et al. (US 2002/0147912).

Re claim 1, Fisher et al. teaches connecting a computing device to an external

storage device having a local storage media (FIG 100); the external storage device

containing session information including the users files and a list/collection of

applications (FIG. 1). The Examiner interprets that the applications on the storage device

include those that were previously used (which is why they are on the storage device), and therefore are expected to be there. Additionally, Fisher et al. teaches a hibernation function (paragraph [0027]) where open files are stored on the device (interpreted as a list of files remaining open) and are opened with a new session.

Re claim 2, Fisher et al. teaches storing the session information (paragraph [0026]). Though Fisher et al. teaches the use of a button, and is silent to performing the save at the end of a user session, it is obvious that such a save could be performed at the end of the session, at the discretion of the user, in order to save the most recent changes. For example, it is well known to save the most recent preferences/changes, and these can indeed occur at the end of a session, as is obvious in the art, and discussed above re the hibernation function, and further by Ban (Block 26) (US 2004/0073787). Additionally Shmueli et al. teaches that updated data can be saved at different times, as is well within the skill in the art (paragraph [0037]+). The Examiner notes that it would be obvious to save data at the end of a user session in order to save the most recent changes before.

Re claim 4, the storage device is remote and connectable to the computing device (FIG. 1 and abstract).

Fisher et al. is silent to the implementation of personalized application characteristics (contained on the storage media) (re claim 1), and deleting files from the computing device after they have been copied back to the storage device (re claim 3).

Shmueli et al. teaches personalized application characteristics on the storage media that are implemented (abstract and paragraph [0033]). Additionally, Shmueli et al. teaches that keylets are stored on the storage device to launch programs. The Examiner

broadly interprets this as applications expected, and when more than one application

keylet is configured, a list is therefore obvious.

At the time the invention was made, it would have been obvious to an artisan of

ordinary skill in the art to combine the teachings of Fisher et al. with those of Shmueli et

al.

One would have been motivated to do this to provide a customized (familiar)

layout for the user.

Though the prior art is silent to a list of applications previously used by the user,

the Examiner notes that it is reasonable to assume/obvious that the applications stored on

the storage device are those previously used by the user (how the file was created, for

example) and are also expected to be used again.

4.   Claims 3, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fisher et al./Shmueli et al., further in view of Stancil et al. (US 2004/0001088).

The teachings of Fisher et al./Shmueli et al. have been discussed above. Shmueli

et al. teaches that any trace of user interaction is deleted from the computer at the end of a

user session (paragraph [0038]). Fisher et al./Shmueli et al. teach loading of the

preferences/profiles at the beginning of a session, clearing of user data at the end of a

session, and saving preferences/profiles to the storage device at any time through use of a

button (paragraph [0026]), but are silent to copying files from the storage device to the

computing device, and vice versa and backing up the data to a network computer.

Stancil et al. teaches copying files from the storage device to the computer and

back to the storage device (claim 27). Re claim 29, Stancil et al. teaches copying files to

a computer, interpreted as backing the data on the storage device (paragraph [0040]

which teaches that the files are copied to a computer and hence backed up). Though

Stancil et al. is silent to the computer being a networked computer, the Examiner notes

that networked computers are well known and conventional in the art, and the use of a

networked computer would have been an obvious expedient well within the skill in the

art, to provide network capability to the user of the computer. Additionally, the use of a

computer that is not networked, appears to function equally well (be functionally

equivalent) as a networked computer, as far as the limitations of claim 29 are concerned.

There appears to be no functional difference for having the computer networked, as the

claim only recites a "network computer" and the networking of the computer provides no

function/advantage over a standard computer, with respect to the claimed limitations.

Accordingly, as far as the limitations of claim 29, one could expect the same results with

a non-networked computer, as with a networked computer. Nonetheless, the

modification of the computer to be networked, is one well within the skill in the art to

provide network connectivity. The step of copying data to the storage device at the end

of a session has already been taught above. Additionally, the Examiner notes it's well

known and conventional to have user profiles backed up on a networked computer (see

Hamiton, II et al. below) for security in the event of a failure or power outage, for

example.

At the time the invention was made, it would have been obvious to an artisan of

ordinary skill in the art to combine the teachings of Fisher et al./Shmueli et al. with those

of Stancil et al.

One would have been motivated to do this to copy the files to have them stored on

the computer locally, to permit faster processing then accessing them from the remote

device. It would have been obvious to copy back to the storage device to update the data,

protect against power outages/failures.

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et

al./Shmueli et al. further in view of Hamilton, II et al. (US 6,633,977).

The teachings of Fisher et al./Shmueli et al. have been discussed above.

Fisher et al./Shmueli et al. teach the external storage device is a

removable/connectable medium that is physically connected to a computer, that the user

preference/profile data/personality is stored on a website and that the data stored thereon

can be used to save the state of the computer (paragraph [0042] of Fisher et al.), or that

the data can be saved to a computer (paragraph [0040]). The Examiner also notes that

saving the state of a computer for restoring/backup is well known and conventional (see

Stancil et al. above).

However, Fisher et al./Shmueli et al. is silent to the external device being a

remote computing device on a network, and retrieving information from the device

comprising communicating with the remote device over the network.

Hamilton, II et al. teaches the device is a removable media or a remote computing

device on a network and that the information is retrieved by communicating with the

device over the network and is used to duplicate a user environment to a workstation.

Therefore, Hamilton, II et al. teaches the use of a network to store a user environment to

be deployed to a workstation.

At the time the invention was made, it would have been obvious to an artisan of

ordinary skill in the art to combine the teachings of Fisher et al./Shmueli et al. with those

of Hamilton, II et al.

One would have been motivated to do this in order to save environment data to a

sever to allow for restoration without the requirement of carrying a physical medium.

6.   Claims 14-18 and 23-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fisher et al./Shmueli et al./Hamilton, II et al., as discussed above re

claim 5.

The teachings of Fisher et al./Shmueli et al./Hamilton, II et al. have been

discussed above.

Though Fisher et al./Shmueli et al./Hamilton, II et al. are silent to means for

allowing administrative access to the storage device to enable an administrator to alter

data on the storage device, the Examiner notes that network/system administrators are

given privileges to alter user profile, passwords, etc., as is conventional in the art. In

addition, Hamilton, II et al. teaches that passwords (among other data) are verified, in

certain embodiments, manually by an operator (interpreted as a administrator) (FIG. 9).

The Examiner maintains that it is obvious that if the passwords or other data that the

system operator is checking is incorrect or does not match up, that the operator can

changes the data so that only correct data is transferred. Such manipulation in light of

the prior art is well within the skill in the art, to ensure that the correct data is

transferred. Further (US 2002/0174329) also teach network managers customizing

computer settings for users.

Re claims 15-18, the limitations have been discussed above. Re claim 15, though

the prior art is silent to storing the current settings before initiation of a user session, the

prior art teaches that the current settings of the computer are returned (once the user is

done), and there is no trace of a user session on the computer. Accordingly, it is obvious

that the current settings are stored to be returned.

Re claim 23, the Examiner notes that Shmueli et al. teaches that they key 10

(external storage device), can be updated based on the user interaction as desired, can be

updated automatically, and that various options are capable (paragraph [0037]).

Accordingly, it would have been obvious to periodically save the data, in case of a power

outage, failure, etc. to ensure that the most recent data is saved onto the device. The

Examiner notes that periodic saving of data is well known and conventional in the art (for

word processing programs, for example), and further cites (US 2003/0220949 (paragraph

[0004], US 2004/0021666 (paragraph [0058], US 6,658,594 (BSTX (7)), US

2003/0074524 (paragraph [0031]), US 2002/0147938 (paragraph [0054]), and US

2002/0135613 (paragraph [0025])) which teach automatic (periodic) saving of data. One

would have been motivated to have periodic saving of data to protect the data against

failures, errors, power outages, etc. by ensuring that the most recent data is saved.

Re claim 24, the Examiner notes that cache is well known and conventional for

temporarily storing data, as cache is a fast storage buffer. Accordingly, the use of cache

as a storage means to protect against power outages, failures, etc. is therefore obvious.

Accordingly, the Examiner notes (US 5,845,326) which supports the use of cache to store

memory that is used for restarts/when faults occur, in order to reload the most recent data

possible. The use of cache to provide data in the event of a power outage or failure is

well known and conventional in the art, and therefore an obvious expedient.

7.   Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fisher et al./Shmueli et al./Hamilton, II et al., further in view of Ban et al.

The teachings of Fisher et al./Shmueli et al./Hamilton, II et al. have been discussed above.

Fisher et al./Shmueli et al./Hamilton, II et al. are silent to a data file on the external storage device to verify its authenticity.

Re claims 25-26, the Examiner notes that it is well known and conventional in the art to verify the authenticity of a storage device by processing a file on the device. For example, authentication techniques such as keys, dongles, codes, passwords, etc. are well know and conventional means of authenticating such devices connected to a computing device. Specifically, Ban et al. teaches verifying the certificate of a portable storage medium to configure a workspace (paragraph [0021]). This is determined to include authenticating the device by use of a data file (certificate file), as the certificate is used to verify the authenticity of the device. The Examiner also notes US Patent references 5,442,342, 6,336,585, 6336585, 20030163717, and 20040037145, which teach authentication of a device, as is well known and conventional in the art. Further, it is well known to perform mutual authentication ("In order to ensure security between the smart card and the read/write unit, a system is used to authenticate both devices and to encrypt the messages transmitted between the two. To authenticate the devices, the card and the read/write unit have an identical authentication algorithm and secret key embedded in each. The card sends a random number to the receiving unit and both process the number with the algorithm and secret key. If the read/write unit returns the same number to the card as the result the card computed, the read/write unit is authentic. The process is then reversed, to determine if the card is authentic (McCrindle 1990, 106)." (_ HYPERLINK http://disc.cba.uh.edu/~rhirsch/fall96/lara.htm).

At the time the invention was made, it would have been obvious to an artisan of

ordinary skill in the art to combine the teachings of Fisher et al./Shmueli et al./Hamilton,

II et al. with those of Ban et al.

One would have been motivated to do this in order to provide a system where

only legitimate devices are used.

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered but are

moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claims 6-13, 19-22, and 27 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

10. The prior art of record is silent to a comparing/determining if any of the

applications expected to be on the computing device are absent and notifying the user of

the applications that are missing (that were expected), in addition to marking selected

files on the computing device or network as being "checked out". Though the Examiner

notes that file sharing and checking out of files on a network is conventional, the

Examiner does not believe the combination is obviated.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: Hirayama et al. (US 5,845,326), Mackin et al. (US 6,728,877),

O'Hara (US 2002/0174912), Bowler et al. (US 2002/0174329), Coulson (US

2003/0074524), Battou et al. (US 2003/0163555), Witt et al. (US 2003/0220949), Rast

(US 2004/0012613), Kopchik (US 2004/018389), Moran (US 2004/0157638), Mackin et

al. (US 2004/0243794), and Serbinis et al. (US 6,314,425).

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409.

The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday

through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers

for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 US.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

> All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.
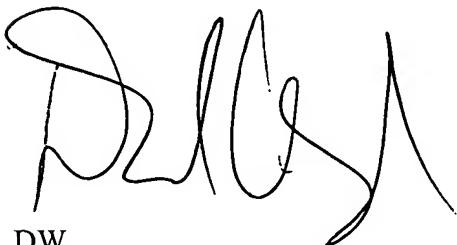
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12/28/04

KARL D. FRECH
PRIMARY EXAMINER